

Burke & Foscett, LLC

Attorneys & Counsellors at Law

Ten McGrath Highway

Quincy, Massachusetts 02169

Telephone (617) 786-8000

Facsimile (617) 773-2612

Writer's email: kburke@burkeandfoskett.com

Managing Members:

Walter A. Foscett

Kevin M. Burke

By facsimile and regular mail

November 17, 2005

Kevin L. Barron, Esq.
453 Washington Street, 5th Floor
Boston, MA 02111-1325

**Re: South Shore Savings Bank v. Michael W. Alcott et al.
Norfolk Superior Court; C.A. No. 03-1110**

Dear Kevin:

At your request, I am writing to outline the proceedings that took place in connection with the above-referenced matter.

- Suit was filed on June 16, 2003 against ARK Associates, Inc. (the "Company"), Michael and Mary Alcott. Mr. Alcott, through counsel, answered the complaint. Thereafter, the bulk of Mr. Alcott's efforts were toward ensuring that employee payroll was met and that maximum value was obtained for the remaining assets of the business. As example:
 - Mr. Alcott did not oppose the Bank's motion for summary judgment and, ultimately, signed an agreement for judgment fully acknowledging the debt owed.
 - Mr. Alcott cooperated in cancelling a membership to Black Rock so that the Bank could recover the deposit.
 - I have attached a copy of the docket sheet from the civil litigation which is instructive.

- During the course of the litigation, the Bank hired accountants to examine and review all of the of books, records and accounts of the Company. Mr. Alcott maintained, and it appears, that the money obtained from the Bank was primarily ¹ spent on the Company (e.g., rent, payroll, equipment and other usual business expenses). I have not been given any information, documents or evidence to the contrary by either the Bank or its accountants and auditors. I understand that the accountants and auditors performed an extensive review of the Company's books and records and did not find evidence that the money was spent on non-Company items. Certainly, no such evidence was shared with me or the Court.
- During the course of the litigation, the Bank provided me with documentation of its claimed loss, which was as follows:
 - \$2,032,345.60 Principal Balance of Loan
 - \$ 435,413.39 Total Principal Recovery (since 7-18-03)
 - The remaining charges by the bank consisted of interest (\$382,723.81), late charges (\$19,136.20) and attorneys and accountants fees (\$185,509.21). The legal fees were \$160,284.21. By comparison, my fees totaled less than \$45,000.00 and a significant portion of the fees was unrelated to dealings with the Bank but involved dealings with other creditors and claims. A significant portion of my work with the Bank involved discussions negotiations on ensuring employees were paid, maximizing recovery on asset sale and negotiating with the bank regarding the agreement for judgment, particularly with reference to the lack of evidence of fraud on the part of Mary Alcott (ultimately, the Bank agreed to dismiss with prejudice the fraud claims against Mary Alcott and sought only judgment against her as a guarantor of the debt owed by the Company).
 - For your reference and convenience, I have enclosed a copy of the Bank's reconciliation.
- It is my belief that the Bank could have realized more income from the sale of the business and the assets of the business if it had acted differently in the manner in which it foreclosed on and/or sold the assets.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Kevin M. Burke

KMB/tw

Enc.

c:\alcott\ssb\add.barron.11-17-05

¹ E.g., the purchase of a membership at Black Rock was considered as an expense in furtherance of the business, but had significant personal benefit.

ARK Associates, Inc.
Michael & Mary Alcott
Line of Credit #75-715002113

<u>Date</u>	<u>Debit / (Credit)</u>	<u>Principal Balance</u>	<u>Comment</u>
6/18/03	-	2,496,485.17	Line of Credit balance
6/18/03	(16,420.91)	2,480,064.26	Set off from CD securing Letter of Credit
6/18/03	(49,759.17)	2,430,305.09	Set off from operating account
7/17/03	23,011.90	2,453,316.99	Line advance to fund payroll
7/18/03	14,442.00	2,467,758.99	Line advance to pay Letter of Credit draw
9/12/03	(15,000.00)	2,452,758.99	Sale of customer & client list
9/12/03	(49,568.46)	2,403,190.53	A/R collection
2/17/04	(225,318.92)	2,177,871.61	Sale of Alcott residence
2/17/04	(10,393.78)	2,167,477.83	A/R collection
2/17/04	(2,267.00)	2,165,210.83	Customer & Client List Earnout
4/30/04	(116,977.87)	2,048,232.96	Sale of Black Rock membership
4/30/04	(1,727.00)	2,046,505.96	Customer & Client List Earnout
4/30/04	(7,090.56)	2,039,415.40	A/R collection
6/30/04	(5,212.80)	2,034,202.60	Customer & Client List Earnout
7/31/04	(1,857.00)	2,032,345.60	Customer & Client List Earnout

Principal Balance	2,032,345.60
Accrued Interest	382,723.81
Accrued Late Charges	<u>19,136.20</u>
Total Due - Principal, Interest & Late Charges	2,434,205.60

Plus Expenses	\$	185,509.21
Total Payoff as of 4/30/05	\$	2,619,714.81
Per Diem	\$	606.88

Total Principal Recovery Since 7/18/03:	\$	435,413.39
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Date	Debit / (Credit)	Principal Bal.	# Days	Rate	Accrued Interest	Late Charge	Total Payoff Princ./Int./L.C.	Comment
6/18/03		2,496,485.17	0					Line of Credit balance
6/18/03	(16,420.91)	2,480,064.26	0					Set off from CD securing Letter of Credit
6/18/03	(49,758.17)	2,430,305.09	0					Set off from operating account
7/01/03 - 7/15/03		2,430,305.09	16	9.00%	9,721.22			
7/17/03	23,011.90	2,453,316.99	1	9.00%	613.33			Line advance to fund payroll
7/18/03 - 7/31/03	14,442.00	2,467,758.99	14	9.00%	8,637.16			Line advance for Letter of Credit
Total - 7/31/03		2,467,758.99	31		18,971.71	948.99	2,487,679.28	
8/01/03 - 8/31/03		2,467,758.99	31	9.00%	19,125.13	956.26		
Total - 8/31/03		2,467,758.99	31		38,096.84	1,904.84	2,507,760.67	
9/01/03 - 9/11/03		2,467,758.99	11	9.00%	6,786.34			
9/12/03	(15,000.00)	2,452,758.99	0					Sale of customer & client list
9/12/03 - 9/30/03	(49,568.46)	2,403,190.53	19	9.00%	11,415.16	910.07		A/R collection
Total - 9/30/03		2,403,190.53	30		56,298.33	2,814.92	2,462,303.78	
10/01/03 - 10/31/03		2,403,190.53	31	9.00%	18,624.73	931.24		
Total - 10/31/03		2,403,190.53	31		74,923.06	3,746.15	2,481,859.74	
11/01/03 - 11/30/03		2,403,190.53	30	9.00%	18,023.93	901.20		
Total - 11/30/03		2,403,190.53	30		92,946.99	4,647.35	2,500,784.87	
12/01/03 - 12/31/03		2,403,190.53	31	9.00%	18,624.73	931.24		
Total - 12/31/03		2,403,190.53	31		111,571.71	5,578.59	2,520,340.83	
1/01/04 - 1/31/04		2,403,190.53	31	9.00%	18,624.73	931.24		
Total - 1/31/04		2,403,190.53	31		130,196.44	6,509.82	2,529,896.79	
2/1/04 - 2/16/04		2,403,190.53	16	9.00%	9,612.76			
2/17/04	(225,318.92)	2,177,871.61	0					Sale of Alcott residence
2/17/04	(12,660.78)	2,165,210.83	0					A/R collection and Earnout
2/17/04 - 2/29/04		2,165,210.83	13	9.00%	7,036.94	832.49		
Total - 2/29/04		2,165,210.83	29		146,846.14	7,342.32	2,319,399.28	
3/31/2004		2,165,210.83	31	9.00%	16,780.38	839.02		
Total - 3/31/04		2,165,210.83	31		163,626.52	8,181.33	2,337,018.68	
4/01/04 - 4/29/04		2,165,210.83	29	9.00%	15,697.78			
4/30/2004	(125,795.43)	2,039,415.40	1	9.00%	509.85	810.38		Black Rock, etc.
Total - 4/30/04		2,039,415.40	30		179,834.15	8,991.72	2,228,241.27	
5/1/04 - 5/30/04		2,039,415.40	31	9.00%	15,805.47	790.27		
Total - 5/31/04		2,039,415.40	31		195,639.62	9,781.99	2,244,837.01	
6/01/04 - 6/29/04		2,039,415.40	29	9.00%	14,785.76			
6/30/2004	(5,212.80)	2,034,202.60	1	9.25%	522.68	765.42		Earnout from sale of cust list
Total - 6/30/04		2,034,202.60	30		210,948.06	10,547.41	2,255,698.07	
7/01/04 - 7/30/04		2,034,202.60	30	9.25%	15,680.31			
7/31/2004	(1,857.00)	2,032,345.60	1	9.25%	522.20	810.13		Earnout from sale of cust list
Total - 7/31/04		2,032,345.60	31		227,150.57	11,357.54	2,270,853.71	
8/01/04 - 8/9/04		2,032,345.60	9	9.25%	4,699.80			
8/10/04 - 8/31/04		2,032,345.60	22	9.50%	11,798.90	824.93		
Total - 8/31/04		2,032,345.60	31		243,649.27	12,182.47	2,288,177.34	
9/01/04 - 9/21/04		2,032,345.60	21	9.50%	11,262.58			
9/22/04 - 9/30/04		2,032,345.60	9	9.75%	4,953.84	810.82		
Total - 9/30/04		2,032,345.60	30		259,865.69	12,993.29	2,305,204.58	
10/1/04 - 10/31/04		2,032,345.60	31	9.75%	17,063.23	853.16		
Total - 10/31/04		2,032,345.60	31		276,928.93	13,846.45	2,323,120.98	
11/1/04 - 11/9/04		2,032,345.60	9	9.75%	4,953.84	247.69		
11/10/04 - 11/30/04		2,032,345.60	21	10.00%	11,855.35	582.77		
Total - 11/30/04		2,032,345.60	30		293,738.12	14,686.91	2,340,770.63	
12/1/04 - 12/13/04		2,032,345.60	13	10.00%	7,339.03	366.95		
12/14/04 - 12/31/04		2,032,345.60	18	10.25%	10,415.77	520.79		
Total - 12/31/04		2,032,345.60	31		311,492.91	15,574.65	2,359,413.17	
1/1/05 - 1/31/05		2,032,345.60	31	10.25%	17,938.27	866.91		
Total - 1/31/05		2,032,345.60	31		329,431.19	16,471.57	2,379,248.38	
2/1/05		2,032,345.60	1	10.25%	578.65	28.93		
2/2/05 - 2/28/05		2,032,345.60	27	10.50%	16,004.72	800.24		
Total - 2/28/05		2,032,345.60	28		346,014.56	17,300.74	2,395,660.90	
3/1/05 - 3/22/05		2,032,345.60	22	10.50%	13,040.88	652.04		
3/23/05 - 3/31/05		2,032,345.60	9	10.75%	5,461.93	273.10		
Total - 3/31/05		2,032,345.60	31		364,517.38	18,225.88	2,415,088.85	
4/1/05 - 4/30/05		2,032,345.60	30	10.75%	18,206.43	910.32		
Total - 4/30/05		2,032,345.60	30		382,723.81	19,136.20	2,434,205.60	
Plus Expenses - see attached for detail							185,509.21	
Total Payoff							\$ 2,434,205.60	
Per Diem							\$ 606.88	
Principal Recovery Since 7/18/03	\$ 435,413.39							
Note rate is SSSB Base Rate plus 1.5%								
Default rate is SSSB Base Rate plus 5%								
Late charge is 5% of payment due (calculated as % of monthly interest due rather than of full balance)								
SSSB Base Rate was 4.0% 6/30/03 thru 6/29/04								
SSSB Base Rate was 4.25% 6/30/04 thru 8/9/04								
SSSB Base Rate was 4.50% 8/10/04 thru 9/21/04								
SSSB Base Rate was 4.75% 9/22/04 thru 11/9/04								
SSSB Base Rate was 5.00% 11/10/04 thru 12/13/04								
SSSB Base Rate was 5.25% 12/14/04 thru 2/1/05								
SSSB Base Rate was 5.50% 2/2/05 thru 3/21/05								
SSSB Base Rate was 5.75% 3/22/05 thru 5/2/05								
SSSB Base Rate was 6.00% 5/3/05 thru								

ARK Associates - Bills & Expenses					
Date	Amount	Paid To	Comment		
6/20/03	\$ 8,191.80	Barry & Associates	File initial complaint		
7/8/03	53,169.40	Craig & Macauley	Legal work for 6/16 - 6/30		
7/11/03	16,500.00	Clarke, Snow & Riley	Accounting work for 6/16 - 6/30		
7/20/03	2,000.00	Advance Disclosures, Inc.	Investigative work		
8/19/03	40,642.50	Craig & Macauley	Legal work for 7/1 - 7/31		
8/13/03	3,600.00	Clarke, Snow & Riley	Accounting work for 7/1 - 7/31		
9/15/03	9,432.55	Craig & Macauley	Legal work for 8/1 - 8/31		
9/24/03	275.00	Lane Valuation Group	Appraisal of Alcott residence in Scituate		
9/30/03	4,000.00	Craig & Macauley	Half of estimated bill for Acquisition Data		
9/30/03	200.00	Clarke, Snow & Riley	Accounting work for July		
10/16/03	10,793.48	Craig & Macauley	Legal work for 9/1 - 9/31		
10/31/03	668.00	AE Barnes Insurance	Force placed ins on Scituate house - Oct		
11/18/03	5,001.17	Craig & Macauley	Legal work for 10/1 - 10/31		
11/30/03	646.00	AE Barnes Insurance	Force placed ins on Scituate house - Nov		
12/15/03	712.30	Craig & Macauley	Legal work for 11/1 - 11/30		
12/31/03	668.00	AE Barnes Insurance	Force placed ins on Scituate house - Dec		
1/31/04	668.00	AE Barnes Insurance	Force placed ins on Scituate house - Jan		
4/23/04	5,525.80	Craig & Macauley	Legal work for 12/1/03 - 3/31/04		
2/27/04	7,352.50	Craig & Macauley	Cinotti / Investigator bill thru C&M		
5/19/04	4,534.08	Craig & Macauley	Legal work for April 2004		
7/1/04	8,682.95	Craig & Macauley	Legal work for May & June 2004		
12/22/04	1,680.75	Craig & Macauley	Legal work for June, July, Aug, & Nov 2004		
1/20/05	564.93	Craig & Macauley	Legal work for December 2004		
Total	\$ 185,509.21				

**Commonwealth of Massachusetts
NORFOLK SUPERIOR COURT
Case Summary
Civil Docket**

South Shore Savings Bank v ARK Associates Inc et al

Details for Docket: NOCV2003-01110

Case Information

Docket Number:	NOCV2003-01110	Caption:	South Shore Savings Bank v ARK Associates Inc et al
Filing Date:	06/16/2003	Case Status:	Needs nisi review
Status Date:	04/12/2005	Session:	Civil B-CtRm 3
Lead Case:	NA	Case Type:	Complex

Tracking Deadlines

TRK:	F	Discovery:	04/11/2004
Service Date:	09/14/2003	Disposition:	08/31/2005
Rule 15:	11/13/2003	Rule 12/19/20:	11/13/2003
Final PTC:		Rule 56:	05/11/2004
Answer Date:	11/13/2003	Jury Trial:	YES

Case Information

Docket Number:	NOCV2003-01110	Caption:	South Shore Savings Bank v ARK Associates Inc et al
Filing Date:	06/16/2003	Case Status:	Needs nisi review
Status Date:	04/12/2005	Session:	Civil B-CtRm 3
Lead Case:	NA	Case Type:	Commercial paper

Tracking Deadlines

TRK:	F	Discovery:	04/11/2004
Service Date:	09/14/2003	Disposition:	08/31/2005
Rule 15:	11/13/2003	Rule 12/19/20:	11/13/2003
Final PTC:		Rule 56:	05/11/2004
Answer Date:	11/13/2003	Jury Trial:	YES

Parties Involved

11 Parties Involved in Docket: NOCV2003-01110

**Party
Involved:**

Role:

Defendant

Last Name: ARK Associates Inc
Address: 1250 Hancock Street
City: Quincy
Zip Code: 02169
Telephone:

First Name:
Address: Suite 5048
State: MA
Zip Ext:

**Party
Involved:**

Last Name: Alcott
Address:
City:
Zip Code:
Telephone:

Role: Defendant
First Name: Mary P
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Alcott
Address:
City:
Zip Code:
Telephone:

Role: Defendant
First Name: Michael W
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: ARK Associates Inc
Address:
City:
Zip Code:
Telephone:

Role: Defendant/crossclaim
First Name:
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Alcott
Address:
City:
Zip Code:
Telephone:

Role: Defendant/crossclaim
First Name: Michael W
Address:
State:
Zip Ext:

**Party
Involved:**

Role: Plaintiff

Last Name: South Shore Savings Bank
Address:
City:
Zip Code:
Telephone:

First Name:
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Alcott
Address:
City:
Zip Code:
Telephone:

Role: Plaintiff/crossclaim
First Name: Mary P
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Black Rock Golf Club LLC
Address: 16R North St
City: Hingham
Zip Code: 02043
Telephone:

Role: Reach & Apply Defendant
First Name:
Address:
State: MA
Zip Ext:

**Party
Involved:**

Last Name: Fidelity Investments
Address:
City:
Zip Code:
Telephone:

Role: Trustee
First Name:
Address:
State:
Zip Ext:

**Party
Involved:**

Last Name: Citizens Band
Address:
City:
Zip Code:
Telephone:

Role: Trustee Defendant
First Name:
Address:
State:
Zip Ext:

**Party
Involved:**

Role: Trustee Defendant

Last Name: Fidelity Investments
Address:
City:
Zip Code:
Telephone:

First Name:
Address:
State:
Zip Ext:

Attorneys Involved

9 Attorneys Involved for Docket: NOCV2003-01110

**Attorney
Involved:**

Last Name: Burke
Address: 10 McGrath Highway
City: Quincy
Zip Code: 02169
Telephone: 617-786-8000
Fascimile: 617-773-2612

Firm Name: BURK11

First Name: Kevin Michael
Address:
State: MA
Zip Ext:
Tel Ext:
Representing: Alcott, Michael W (Defendant)

**Attorney
Involved:**

Last Name: Burke
Address: 10 McGrath Highway
City: Quincy
Zip Code: 02169
Telephone: 617-786-8000
Fascimile: 617-773-2612

Firm Name: BURK11

First Name: Kevin Michael
Address:
State: MA
Zip Ext:
Tel Ext:
Representing: Alcott, Michael W (Defendant)

**Attorney
Involved:**

Last Name: Sacchitella
Address: 530 Atlantic Avenue
City: Boston
Zip Code: 02210
Telephone: 617-423-6372
Fascimile: 617-348-0989

Firm Name: JANT01

First Name: Michael J
Address: 3rd Floor
State: MA
Zip Ext:
Tel Ext:
Representing: Alcott, Mary P (Defendant)

**Attorney
Involved:**

Firm Name: JANT01

Last Name: Sacchitella
Address: 530 Atlantic Avenue
City: Boston
Zip Code: 02210
Telephone: 617-423-6372
Fascimile: 617-348-0989

First Name: Michael J
Address: 3rd Floor
State: MA
Zip Ext:
Tel Ext:
Representing: Alcott, Mary P
(Plaintiff/crossclaim)

**Attorney
Involved:**

Last Name: Collins
Address: 21 McGrath Highway
City: Quincy
Zip Code: 02169
Telephone: 617-786-1100
Fascimile: 617-770-0865

Firm Name:

First Name: Francis X
Address: Suite 406
State: MA
Zip Ext:
Tel Ext:
Representing: South Shore Savings Bank,
(Plaintiff)

**Attorney
Involved:**

Last Name: Reiser
Address: 600 Atlantic Avenue
City: Boston
Zip Code: 02210
Telephone: 617-367-9500
Fascimile: 617-742-1788

Firm Name:

First Name: Daniel C
Address:
State: MA
Zip Ext:
Tel Ext:
Representing: South Shore Savings Bank,
(Plaintiff)

**Attorney
Involved:**

Last Name: Desmery
Address: 600 Atlantic Avenue
City: Boston
Zip Code: 02210
Telephone: 617-367-9500
Fascimile: 617-742-1788

Firm Name:

First Name: Martin P
Address:
State: MA
Zip Ext:
Tel Ext:
Representing: South Shore Savings Bank,
(Plaintiff)

**Attorney
Involved:**

Last Name: Hannon

Firm Name:

First Name: David F

Address: 600 Atlantic Avenue
City: Boston
Zip Code: 02210
Telephone: 617-367-9500
Fascimile: 617-742-1788

Address:
State: MA
Zip Ext:
Tel Ext:
Representing: South Shore Savings Bank,
(Plaintiff)

**Attorney
Involved:**
Last Name: Barry Jr
Address: 53 State Street
City: Boston
Zip Code: 02109
Telephone: 617-725-5810
Fascimile: 617-227-8630

Firm Name: CITI01
First Name: Donald J
Address: MBS 840
State: MA
Zip Ext:
Tel Ext:
Representing: Citizens Band, (Trustee
Defendant)

Calendar Events

7 Calendar Events for Docket: NOCV2003-01110

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	06/17/2003	14:00	Motion/Hearing: prel inj	B	Event held as scheduled
2	06/26/2003	14:00	Motion/Hearing: prel inj	B	Event not held-joint request
3	07/14/2003	14:00	Motion/Hearing: prel inj	B	Event held as scheduled
4	07/14/2003	14:00	Motion/Hearing: prel inj	B	Event held as scheduled
5	08/04/2004	08:00	Status: Review Annual Fee	A	Event held as scheduled
6	12/20/2004	08:00	Status: Clerk Follow UP	A	Event held as scheduled
7	04/11/2005	14:00	Conf: final pre-trial	B	Event cancelled - Case Settle

Full Docket Entries

131 Docket Entries for Docket: NOCV2003-01110

Entry Date:	Paper No:	Docket Entry
06/16/2003	1	Complaint entry fee \$210 plff jury claim
06/16/2003		Origin 1, Type A03, Track F.
06/16/2003	2	Civil action cover sheet filed
06/16/2003	3	plffs motion for tro order of notice to issue under this motion ret
06/16/2003	3	June 17, 2003 at 2:00pm Brady J

06/16/2003	4	Memorandum: of plff in support of tro and prel injunction
06/16/2003	5	plffs motion for appt of special process server filed and allowed
06/16/2003	5	Brady J
06/16/2003		fast track notice sent to plff attorney
06/17/2003	6	SERVICE RETURNED Ark Associates in hand to Patricia Gill
06/17/2003	7	SERVICE RETURNED as to Mary and Michael Alcott
06/17/2003		P#3 motion for tro -- Temporary restraining orders to issue in
06/17/2003		accordance with the three orders of this date order of notice under
06/17/2003		this motion for hearing on preliminary injunction ret June 26, 2003
06/17/2003		at 2:00pm Brady J,
06/17/2003		\$75 paid for tro
06/17/2003	8	ORDER TRO to Mary P Alcott
06/17/2003	9	ORDER tro directed to Ark Associates Inc
06/17/2003	10	ORDER tro stipulated directed to Michael W Alcott
06/18/2003		Motion (P#15.0) ALLOWED (Patrick Brady, Justice) dated 6/18/03
06/18/2003		Certified copy mailed June 18, 2003
06/18/2003	11	Findings and ex parte Order for Approval of attachment on Trustee
06/18/2003	11	Process (Brady,Justice) dated 6/18/03 certified copy sent to attyt
06/18/2003	11	Hannon
06/18/2003	12	Ex parte Motion for attachment on Trustee Process
06/18/2003		Motion (P#12.0) ALLOWED in the amount requested, notice having been
06/18/2003		provided orally (Patrick Brady, Justice)dated 6/18/03 Notices
06/18/2003		mailed June 18, 2003
06/18/2003	13	Supplemental Affidavit of Michael R Healy
06/18/2003	14	Plaintiff Amended Complaint and Jury demand
06/19/2003	15	Ex parte Motion to appoint Special Process Server
06/23/2003		Motion (P#15.0) ALLOWED (Patrick Brady, Justice) dated 6/18/03
06/23/2003		Notices mailed June 23, 2003
06/23/2003	16	Defendant Michael W Alcott's emergency MOTION to Partially Modify
06/23/2003	16	Temporary Restraining Order
06/23/2003		Motion (P#16.0) ALLOWED after ex parte hearing (Walker Justice) dated
06/23/2003		6/20/03 Notices mailed June 23, 2003
06/23/2003	17	Affidavit of Patricia Gill
06/23/2003	18	Order on Ex Parte Emergency Motion to Partially Modify Temporary
06/23/2003	18	Restraining Order (Walker,Justice) dated 6/20/03 certified copy to
06/23/2003	18	atty Burke mailed 6/23/03
06/24/2003	19	Plaintiff South Shore Savings Bank's emergency MOTION to vacate Order
06/24/2003	19	Partially Modifying Temporary Restrainingng Order and To compel
06/24/2003	19	Turnover of Collateral rec'd 6/23/03
06/24/2003		MOTION (P#19.0) This motion is set down for hearing on June 26,2003
06/24/2003		at 2:00 p.m. (Patrick Brady, Justice).dated 6/23/03 Notices mailed

06/24/2003		June 24, 2003
07/07/2003		MOTION (P#3.0) The Temporary Restraining Orders of June 17, 2003 are
07/07/2003		continued in full force and effect to July 14, 2003 at 2:00 p.m. by
07/07/2003		agreement. (Patrick Brady, Justice). Notices mailed June 26, 2003
07/07/2003		MOTION (P#19.0) Hearing on this motion is continued to July 14, 2003
07/07/2003		at 2:00 p.m. (Patrick Brady, Justice). Notices mailed July 07, 2003
07/07/2003	20	ANSWER by trustee: Citizens Bank of Mass
07/08/2003	21	ANSWER by trustee: Fidelity Investments
07/10/2003	22	plffs emergency motion to amend complaint order of notice under this
07/10/2003	22	motion ret July 14, 2003 at 2:00pm Hely J
07/10/2003	23	plfs emergency motion for reach and apply injunction order of notice
07/10/2003	23	ret under this motion ret July 14, 2003 at 2:00pm Hely J
07/10/2003	24	Memorandum: in support of emergency motion to amend complaint
07/10/2003	25	Affidavit of Peter F McGowan
07/17/2003		re: TRO Directed to Mary P. Alcott (P#8.0) By agreement this T.R.O.
07/17/2003		is entered as a preliminary Injunction this date (Patrick Brady,
07/17/2003		Justice). dated 7/14/03 Notices mailed July 17, 2003
07/17/2003		re: TRO Directed to Ark Associates Inc (P#9.0) By agreement this
07/17/2003		T.R.O. is entered as a preliminary Injunction this date (Patrick
07/17/2003		Brady, Justice). dated 7/14/03 Notices mailed July 17, 2003
07/17/2003	26	Preliminary Injunction (Brady, Justice) dated 7/15/03 certified
07/17/2003	26	copies mailed 7/17/03
07/28/2003	27	ANSWER: Michael W Alcott (Defendant) and jury demand. (rec'd 7/24/03)
07/28/2003	27	Track notice sent to Atty Kevin M. Burke
07/29/2003	28	SERVICE RETURNED (order of notice): Black Rock Golf Club LLC, in
07/29/2003	28	hand, Michael Davis, Agent in Charge, served on 7/11/03 (Rec'd.
07/29/2003	28	7/24/03)
07/29/2003		MOTION (P#22.0) ALLOWED (Patrick Brady, Justice) dated 7/14/03
07/29/2003		Notices mailed July 29, 2003
07/31/2003	29	Second Amended complaint and jury demand
07/31/2003	30	ANSWER (second amended complaint): Mary P Alcott, crossclaim and jury
07/31/2003	30	demand (Rec'd. 7/29/03)
09/16/2003	31	Plaintiff South Shore Savings Bank's MOTION for Partial Summary
09/16/2003	31	Judgment, pursuant to Mass.R.Civ.P. 56(rec'd9/15/03)
09/16/2003	31	Plff's Memorandum in support of motion for partial summary judgment
09/16/2003	31	(rec'd9/15/03)
09/16/2003	31	Plff's Statement of Legal Elements of claims(rec'd9/15/03)
09/16/2003	31	Plff's Statement of undisputed facts(rec'd9/15/03)
09/16/2003	31	Affidavit of compliance with Superior Court Rule 9A.(rec'd9/15/03)
09/16/2003	31	Designation of papers pur. to Rule 9a(rec'd9/15/03)
09/22/2003		MOTION (P#31.0) ALLOWED, no opposition. (Patrick Brady, Justice)

09/22/2003		dated September 18, 2003 Notices mailed September 22, 2003
10/14/2003		Case status changed to 'Needs status review' at service deadline
10/14/2003		review
04/15/2004	32	Defendant Black Rock Golf Club LLC's MOTION for leave to approve
04/15/2004	32	payment to piff or into court, and to dismiss (Black Rock) with
04/15/2004	32	prejudice as to claims arising from Black Rock membership
04/15/2004	32	Affidavit of compliance with Superior Court Rule 9A.
04/21/2004		MOTION (P#32.0) ALLOWED--no opposition (John P. Connor, Jr.,
04/21/2004		Justice) dated 4/16/04 Notices mailed April 21, 2004
06/18/2004		Notice of Annual Civil Litigation Fee mailed to plaintiffs
06/18/2004		attorneys, Martin P Desmery, David F. Hannon and Daniel C. Reiser on
06/18/2004		June 18, 2004.
07/09/2004		Annual Civil Litigation fee in the sum of \$120.00 paid by the
07/09/2004		plaintiffs attorney Martin P Desmery on July 09, 2004
12/02/2004	33	Notice sent: of Status Review with a Return date of December 20, 2004
12/02/2004	33	(Dortch-Okara, J.) cs
01/13/2005	34	Return of Status Notice by Atty. Daniel C. Reiser - the parties are
01/13/2005	34	in the process of negotiating and drafting an agreement for judgment
01/13/2005	34	that they anticipate filing with the Court shortly (Rec. 12/20/04)
03/24/2005	35	Notice sent to appear for pre-trial conference on April 11, 2005 at
03/24/2005	35	2:00 P.M.
04/12/2005	36	Nisi dismissal; agreement or stipulation to be filed by May 12, 2005
04/12/2005	36	(Judith Fabricant, Regional Administrative Justice)
05/12/2005	37	Joint Motion to extend and continue Nisi Order. fax rec'd 5/11/05
05/12/2005	38	Original of P#37.0
05/13/2005		MOTION (P#37.0) ALLOWED to the extent that the Dismissal Nisi Order
05/13/2005		of 4/12/05 is extended up to and including August 1,2005 (Patrick F.
05/13/2005		Brady, Associate Justice) dated 5/13/05 Notices mailed May 13, 2005
07/28/2005	39	Request upon clerk to default (55a) re: ARK Associates Inc by South
07/28/2005	39	Shore Savings Bank (rec'd 7/27/05)
07/28/2005		Defendant, ARK Associates Inc is defaulted under Rule 55a for failure
07/28/2005		to answer Second Amended Complaint
07/28/2005	40	Plaintiff South Shore Savings Bank's MOTION for Assessment of Damages
07/28/2005	40	against deft, ARK Associates Inc. (rec'd 7/27/05)
07/28/2005	41	Request for default (55a) for failure to answer re: ARK Assoc against
07/28/2005	41	Mary P Alcott, for failure to answer cross-claim
07/28/2005		Defendant-in-crossclaim, ARK Associates is defaulted pursuant to Rule
07/28/2005		55a
07/28/2005	42	Plaintiff-in-crossclaim, Mary P Alcott's MOTION for Assessment of
07/28/2005	42	Damages against cross-claim deft, ARK Associates Inc
08/05/2005		MOTION (P#40.0) ALLOWED, no opposition. (Patrick F. Brady, Associate

08/05/2005 Justice) dated August 2, 2005 Notices mailed 8/5/2005
08/05/2005 MOTION (P#42.0) ALLOWED, no opposition. (Patrick F. Brady, Associate
08/05/2005 Justice) dated August 2, 2005 Notices mailed 8/5/2005
